

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1118

AN ACT

To repeal sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, RSMo, and to enact in lieu thereof seventeen new sections relating to commercial drivers' licenses, with an effective date and with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.727, 302.735, 302.740, 302.755, 302.756, 302.760, 577.054, 1, 2, and 3 to read as follows:

302.177. 1. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are at least twenty-one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of thirty dollars; except that, no license shall be issued if an

applicant's license is currently suspended, taken up, canceled, revoked, or deposited in lieu of bail.

2. To all applicants for a license or renewal who are between twenty-one and sixty-nine years of age, and who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of fifteen dollars; except that, no license shall be issued if an applicant's license is currently suspended, taken up, canceled, revoked, or deposited in lieu of bail.

3. All licenses issued pursuant to subsections 1 and 2 of this section shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration, which date shall be shown on the license. The director shall have the authority to stagger the expiration date of driver's licenses and nondriver's licenses being issued or renewed over a six-year period.

4. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are between eighteen and twenty-one years of age or greater than sixty-nine years of age, or to an applicant for such license containing a school bus endorsement issued pursuant to section 302.272, and who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of fifteen

dollars.

5. To all other applicants for a license or renewal less than twenty-one years of age or greater than sixty-nine years of age who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of seven dollars and fifty cents. All licenses issued pursuant to this subsection and subsection 4 of this section or to an applicant for a license to transport persons or property which contains a school bus endorsement issued pursuant to section 302.272, shall expire on the applicant's birthday in the third year after issuance.

6. The director of revenue may adopt any rules and regulations necessary to carry out the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

302.225. 1. Every court having jurisdiction over offenses committed under sections 302.010 to 302.780, or any other law of this state, or county or municipal ordinance, regulating the operation of vehicles on highways or any other offense in which the commission of such offense involves the use of a motor vehicle, including felony convictions, shall, within ten days thereafter, forward to the Missouri state highway patrol, or at

the written direction of the Missouri state highway patrol, to the department of revenue, in a manner approved by the director of the department of public safety a record of any plea or finding of guilty of any person in the court for a violation of sections 302.010 to 302.780 or for any moving traffic violation under the laws of this state or county or municipal ordinances. The record related to offenses involving alcohol, controlled substances, or drugs shall be entered in the Missouri uniform law enforcement system records. The director of revenue shall enter the conviction information into the appropriate computer systems and transmit the conviction information as required in 49 CFR Part 384, or as amended by the Secretary of the United States Department of Transportation. The record of all convictions involving the assessment of points as provided in section 302.302 and convictions involving a commercial motor vehicle as defined in section 302.700 furnished by a court to the [highway patrol and not to the] department of revenue shall be forwarded by the [highway patrol] department of revenue within fifteen days of receipt to the [director of revenue] Missouri state highway patrol.

2. Whenever any person is convicted of any offense or series of offenses for which sections 302.010 to 302.340 makes mandatory the suspension or revocation of the license of such person by the director of revenue, the circuit court in which such conviction is had shall require the surrender to it of all

licenses, then held by the person so convicted, and the court shall within [ten] seven days thereafter forward the same, together with a record of the conviction, to the director of revenue.

3. No [municipal judge or] municipal administrative official shall have power to revoke any license.

302.272. 1. No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus [permit] endorsement under this section and complied with the pertinent rules and regulations of the department of revenue and any final rule issued by the secretary of the United States Department of Transportation or has a valid school bus endorsement on a valid commercial driver's license issued by another state. A school bus [permit] endorsement shall be issued to any applicant who meets the following qualifications:

(1) The applicant has a valid state license issued under this chapter or has a license valid in any other state;

(2) The applicant is at least twenty-one years of age;

(3) The applicant has passed a medical examination, including vision and hearing tests, as prescribed by the director of revenue and, if the applicant is at least seventy years of age, the applicant shall pass the medical examination annually to maintain or renew the [permit] endorsement; and

(4) The applicant has successfully passed an examination

for the operation of a school bus as prescribed by the director of revenue. The examination shall include, but need not be limited to, a written skills examination of applicable laws, rules and procedures, including any examinations prescribed by the secretary of the United States Department of Transportation, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

2. Except as otherwise provided in this section, a school bus [permit] endorsement shall be renewed every three years and shall require the applicant to provide a medical examination as specified in subdivision (3) of subsection 1 of this section and to successfully pass a written skills examination as prescribed by the director of revenue in consultation with the department of elementary and secondary education. If the applicant is at least seventy years of age, the school bus [permit] endorsement shall be renewed annually, and the applicant shall successfully pass the examination prescribed in subdivision (4) of subsection 1 of this section prior to receiving the renewed [permit] endorsement. The director may waive the written skills examination on renewal of a school bus [permit] endorsement upon verification of the applicant's successful completion within the preceding twelve months of a training program which has been approved by the

director in consultation with the department of elementary and secondary education and which is at least eight hours in duration with special instruction in school bus driving.

3. The fee for a new or renewed school bus [permit] endorsement shall be three dollars.

4. Upon the applicant's completion of the requirements of subsections 1, 2 and 3 of this section, the director of revenue [shall] may issue a temporary school bus permit to the applicant until such time as a [permanent] school bus [permit] endorsement shall be issued following the record clearance as provided in subsection 6 of this section.

5. The director of revenue, to the best of the director's knowledge, shall not issue or renew a school bus [permit] endorsement to any applicant:

(1) Whose driving record shows that such applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations;

(2) Who has pled guilty to or been found guilty of any felony or misdemeanor for violation of drug regulations as defined in chapter 195, RSMo; of any felony for an offense against the person as defined by chapter 565, RSMo, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or

felony for prostitution as defined by chapter 567, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo; of any felony or misdemeanor for a weapons offense as defined by chapter 571, RSMo; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge;

(3) Who has pled guilty to or been found guilty of any felony involving robbery, arson, burglary or a related offense as defined by chapter 569, RSMo; or any similar crime in any federal, state, municipal or other court of similar jurisdiction within the preceding ten years of which the director has knowledge.

6. The [department of social services or the] Missouri highway patrol[, whichever has access to applicable records,] shall provide a record of clearance or denial of clearance for any applicant for a school bus [permit] endorsement for the convictions specified in subdivisions (2) and (3) of subsection 5 of this section. The Missouri highway patrol in providing the record of clearance or denial of clearance for any such applicant is authorized to obtain from the Federal Bureau of Investigation any information which might aid the Missouri highway patrol in providing such record of clearance or denial of clearance. The [department of social services or the] Missouri highway patrol

shall provide the record of clearance or denial of clearance within thirty days of the date requested, relying on information available at that time, except that the [department of social services or the] Missouri highway patrol shall provide any information subsequently discovered to the department of revenue.

7. For purposes of obtaining the record of clearance or denial for convictions specified in subdivisions (2) and (3) of subsection 5 of this section, the applicant for a school bus endorsement shall submit two sets of fingerprints. One set of fingerprints shall be used by the highway patrol in order to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

8. The applicant shall pay the fee for the state criminal history information pursuant to section 43.530, RSMo, and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for the school bus endorsement pursuant to this section. The director shall distribute the fees collected for the state and federal criminal histories to the highway patrol.

9. The director may adopt any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is

subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.

10. Except as otherwise provided in this section, an applicant who possesses a valid driver's license from another state with a valid school bus endorsement and who is otherwise qualified to receive a school bus endorsement in this state, shall be issued a school bus permit. The requirements to obtain and retain such permit shall be identical to those requirements for a school bus endorsement issued pursuant to this section.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points
(except any violation of municipal stop sign ordinance where no accident is involved 1 point)
- (2) Speeding In violation of a state law . . . 3 points
In violation of a county or municipal ordinance . . . 2 points
- (3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points
In violation of any county or municipal ordinance . . 6 points

(4) Careless and imprudent driving in violation of
subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal ordinance . . . 2 points

(5) Operating without a valid license in violation of
subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to
restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation . . 12 points

(8) For the first conviction of driving while in an
intoxicated condition or under the influence of controlled
substances or drugs 8 points

(9) For the second or subsequent conviction of any of the
following offenses however combined: driving while in an
intoxicated condition, driving under the influence of controlled
substances or drugs or driving with a blood alcohol content of
eight-hundredths of one percent or more by weight . . 12 points

(10) For the first conviction for driving with blood
alcohol content eight-hundredths of one percent or more by weight
In violation of state law 8 points
In violation of a county or municipal ordinance or federal law or
regulation 8 points

(11) Any felony involving the use of a motor

vehicle 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of

this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider

training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts or the director of revenue shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs; or
- (e) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any

applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for that vehicle.

(4) The court order or the director's grant of the limited driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The

applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(5) Except as provided in subdivision (6) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, RSMo, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a

motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, RSMo, or having left the scene of an accident as provided in section 577.060, RSMo;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041, RSMo, or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041, RSMo, or a similar implied consent law of any other state; or

(g) [Disqualification of a commercial driver's license pursuant to sections 302.700 to 302.780, however, nothing in this subsection shall prevent a person holding a commercial driver's license who is suspended or revoked as a result of an action occurring while not driving a commercial motor vehicle or driving for pay, but while driving in an individual capacity as an operator of a personal vehicle from applying for a limited driving privilege to operate a commercial vehicle, if otherwise eligible for such limited privilege; or

(h)] Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(6) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(7) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present

evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to

subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted

after August 28, 2001, shall be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) "Commercial driver's instruction permit", a permit issued pursuant to section 302.720;

(4) "Commercial driver's license", a license issued by this state to an individual which authorizes the individual to operate a commercial motor vehicle;

(5) "Commercial driver's license information system", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(6) "Commercial motor vehicle", a motor vehicle designed or used to transport passengers or property:

(a) If the vehicle has a gross combination weight rating of

twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand one pounds or more;

(b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds or such lesser rating as determined by federal regulation;

(c) If the vehicle is designed to transport [more than fifteen] sixteen or more passengers, including the driver; or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);

(7) "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time;

(8) "Conviction", an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated;

(9) "Director", the director of revenue or his authorized

representative;

(10) "Disqualification", [a withdrawal of the privilege to drive a commercial motor vehicle;] means any of the following three actions:

(a) The suspension, revocation, or cancellation of a commercial driver's license;

(b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

(11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

(12) "Driver", any person who drives, operates, or is in physical control of a [commercial] motor vehicle, or who is required to hold a commercial driver's license;

(13) "Driving under the influence of alcohol", the commission of any one or more of the following acts [in a commercial motor vehicle]:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as

prescribed by the secretary or such other alcohol concentration as may be later determined by the secretary by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

(14) "Driving under the influence of a controlled substance", the commission of any one or more of the following

acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

(c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section 302.750, any federal or state law, or a county or municipal ordinance;

(15) "Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle;

(16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when

transporting fertilizers as defined in subdivision (20) of this subsection;

(17) "Fatality", the death of a person as a result of a motor vehicle accident;

(18) "Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

[(18)] (19) "Gross combination weight rating" or "GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon;

[(19)] (20) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle;

[(20)] (21) "Hazardous materials", hazardous materials as specified in Section 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed;

(22) "Imminent hazard", the exercise of a condition that

presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

[(21)] (23) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

(24) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section;

[(22)] (25) "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

[(23)] (26) "Out-of-service order", a declaration by the Federal Highway Administration, or any authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service;

(27) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the secretary;

[(24)] (28) "Secretary", the Secretary of Transportation of the United States;

[(25)] (29) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

(a) Excessive speeding, as defined by the secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation; [or]

(d) Driving a commercial motor vehicle without obtaining a

commercial driver's license in violation of any federal or state or county or municipal ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who, by the date the individual must appear in court or pay any fine for such a violation, provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance; or

(g) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by regulation;

[(26)] (30) "State", a state[, territory or possession] of the United States, including the District of Columbia, [the Commonwealth of Puerto Rico, Mexico, and any province of Canada] as defined in 49 CFR Part 383, and as may be amended by the secretary;

[(27)] (31) "United States", the fifty states and the

District of Columbia.

302.725. Any person who drives a commercial motor vehicle without the proper class of license or applicable endorsements valid for the type of vehicle being operated, or a commercial driver's instruction permit, or a receipt which indicates the driver is qualified to drive a commercial motor vehicle, [or while driving privileges are suspended, revoked, or canceled, or while disqualified from operating a commercial motor vehicle,] or who violates license restrictions in any state, or driving a commercial motor vehicle without a commercial driver's license in his or her possession shall be guilty of a class A misdemeanor. Any individual who provides proof to the enforcement authority that issued the citation by the date the individual must appear in court or pay any fine for such a violation that the individual held a valid commercial driver's license on the date the citation was issued shall not be guilty of this offense. No court shall suspend the imposition of sentence as to such person nor sentence such person to a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Upon receipt of such conviction the director shall

[revoke] disqualify such person's privilege to drive a commercial motor vehicle [for a period of two years] pursuant to section 302.755.

302.727. 1. A person commits the crime of driving a commercial motor vehicle while revoked if such person operates a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle.

2. Any person convicted of driving a commercial motor vehicle while revoked is guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts, as defined in section 302.525, convicted a fourth or subsequent time of driving a commercial motor vehicle while suspended or revoked where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, and where the prior three offenses of driving a commercial motor vehicle while revoked occurred within ten years of the date of occurrence of the present offense, and where the person received and served a sentence of ten days or more on such previous offenses; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving a commercial motor vehicle while suspended or revoked where the judge in such case was an attorney

and the defendant was represented by or waived the right to an attorney in writing, and where the prior two offenses of driving a commercial motor vehicle while revoked occurred within ten years of the date of occurrence of the present offense and where the person received a sentence of ten days or more on such previous offenses is guilty of a class D felony. No court shall suspend the imposition of sentence as to such a person nor shall such person be eligible for parole or probation until he or she has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving a commercial motor vehicle while revoked is a class D felony on the second or subsequent conviction pursuant to section 577.010, RSMo, or a fourth or subsequent conviction for any other offense.

302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the applicant's legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director. The application shall also require the applicant to provide the names of all states where the applicant has been previously

licensed to drive any type of motor vehicle during the preceding ten years.

2. The application for a commercial driver's license or renewal shall be accompanied by the payment of a fee of forty dollars. The fee for a duplicate commercial driver's license shall be twenty dollars. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration. The director shall have the authority to stagger the issuance or renewal of commercial driver's license applicants over a six-year period. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. To all applicants for a commercial license or renewal who are between eighteen and twenty-one years of age and seventy years of age and older, the application shall be accompanied by a fee of twenty dollars. A commercial license issued pursuant to this section to an applicant less than twenty-one years of age and seventy years of age and older or to an applicant for a commercial driver's license containing a school bus or hazardous materials endorsement shall expire on the applicant's birthday in the third year after issuance.

3. Within thirty days after moving to this state, the

holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.

302.740. 1. The commercial driver's license shall be manufactured of materials and processes that will prohibit as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. Such license shall include, but not be limited to, the following information: a colored photograph of the person, the legal name and address of the person, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number or such other number or identifier deemed appropriate by the director or the secretary, the date of birth, class or type of commercial motor vehicle or vehicles which the

person is authorized to drive, the name of this state, and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of issuance and expiration, the person's signature and such other information as the director prescribes.

2. Before issuing a commercial driver's license, the director shall obtain driving record information from sources including, but not limited to, the national driver's register [or], the commercial driver's license information system [of], and any state driver's licensing system in which the person has been licensed; except that the director shall only be required to obtain the complete driving record from each state the person has ever been licensed in when such person is issued an initial commercial driver's license or renews his or her commercial driver's license for the first time. The director shall maintain a notation in the driving record system of the date when he or she has obtained the driving records from all other states which the person has been licensed.

3. Within ten days after issuing a commercial driver's license, the director shall notify the commercial driver's license information system of such fact, providing all information required to ensure identification of the person. For the purpose of this subsection, the date of issuance shall be the date the commercial driver's license is mailed to the applicant.

4. The commercial driver's license shall indicate the class of vehicle the person may drive and any applicable endorsements

or restrictions. Commercial driver's license classifications, endorsements and restrictions shall be in compliance with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director. The commercial driver's license driving record shall contain a complete history of the driver, including information and convictions from previous states of licensure.

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

(1) Driving a [commercial] motor vehicle under the influence of alcohol or a controlled substance;

(2) Driving a commercial motor vehicle which causes a fatality through the negligent operation of the commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent homicide;

(3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

(4) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person;

[(3)] (5) Using a commercial or noncommercial motor vehicle in the commission of any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

2. If any of the violations described in subsection 1 of this section occur while transporting a hazardous material the

person is disqualified for a period of not less than three years.

3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. The director may issue rules and regulations, in accordance with guidelines established by the secretary, under which a disqualification for life under this section may be reduced to a period of not less than ten years.

4. Any person is disqualified from driving a commercial motor vehicle for life who uses a commercial or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

5. Any person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, [committed in a commercial motor vehicle] arising from separate incidents occurring within a three-year period.

6. Any person found to be operating a commercial motor vehicle while having any measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour out-of-service order by a law enforcement officer in this state.

7. Any person who is convicted of operating a commercial motor vehicle during a continuous twenty-four-hour period beginning at the time of issuance of the out-of-service order is guilty of a class A misdemeanor.

8. Any person convicted for the first time of driving while out of service shall be disqualified from driving a commercial motor vehicle for a period of ninety days.

9. Any person convicted of driving while out of service on a second occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of one year.

10. Any person convicted of driving while out of service on a third or subsequent occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of three years.

11. Any person convicted of a first violation of an out-of-service order while transporting hazardous materials or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver, is disqualified for a period of one hundred eighty days.

12. Any person convicted of any subsequent violation of an out-of-service order in a separate incident within ten years after a previous violation, while transporting hazardous materials or while operating a motor vehicle designed to transport fifteen passengers, including the driver, is disqualified for a period of three years.

13. Any person convicted of any other offense as specified by regulations promulgated by the Secretary of Transportation shall be disqualified in accordance with such regulations.

14. After suspending, revoking, canceling or disqualifying a driver, the director shall update records to reflect such action and notify a nonresident's licensing authority and the commercial driver's license information system within ten days in the manner prescribed in 49 CFR Part 384, or as amended by the secretary.

15. Any person disqualified from operating a commercial motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and upon conclusion of the period of disqualification shall take the written and driving tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation shall not be withdrawn by the director until such person reapplies for a commercial driver's license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

16. The director shall disqualify a driver upon receipt of notification that the secretary has determined a driver to be an imminent hazard pursuant to 49 CFR, part 383.52. Due process of a disqualification determined by the secretary pursuant to this section shall be held in accordance with regulations promulgated by the secretary. The period of disqualification determined by

the secretary pursuant to this section shall be served concurrently to any other period of disqualification which may be imposed by the director pursuant to this section. Both disqualifications shall appear on the driving record of the driver.

302.756. 1. Notwithstanding any other provision of law to the contrary, any driver who violates or fails to comply with an out-of-service order is subject to a civil penalty [of one thousand dollars] not to exceed an amount as determined by the secretary pursuant to 49 CFR Part 383, or as amended by the secretary, in addition to disqualification as provided by law. Any civil penalty established in this section shall not become effective and enforced until October 1, 1996.

2. Any employer who violates an out-of-service order, or who knowingly requires or permits a driver to violate or fail to comply with an out-of-service order, is subject to a civil penalty of two thousand five hundred dollars.

3. The [general] chief counsel to the [division of motor carrier and railroad safety within the department of economic development] state highways and transportation commission shall bring an action in accordance with the procedures under section 390.156, RSMo, to recover a civil penalty under this section against a driver who violates or fails to comply with an out-of-service order, or against an employer who violates an out-of-service order or knowingly requires or permits a driver to

violate or fail to comply with an out-of-service order, or both.

4. In addition to any other remedies under this section, actions under this section may be brought against a driver or employer who violates or fails to comply with an out-of-service order with reference to a motor vehicle or combination of motor vehicles used in intrastate commerce which has a capacity of more than five passengers, excluding the driver.

302.760. Within ten days after conviction, suspension, revocation, cancellation or disqualification of any nonresident holder of a commercial driver's license or any nonresident who is required to possess a commercial driver's license for any violation committed in a [commercial motor] vehicle of state law or any county or municipal ordinance regulating the operation of motor vehicles, other than parking violations, the director shall notify the driver's licensing authority in the licensing state of such action in the manner prescribed in 49 CFR Part 384, or as amended by the secretary.

577.054. 1. After a period of not less than ten years, an individual who has pleaded guilty or has been convicted for a first alcohol-related driving offense which is a misdemeanor or a county or city ordinance violation and which is not a conviction for driving a commercial motor vehicle while under the influence of alcohol and who since such date has not been convicted of any other alcohol-related driving offense may apply to the court in which he or she pled guilty or was sentenced for an order to

expunge from all official records all recordations of his or her arrest, plea, trial or conviction. If the court determines, after hearing, that such person has not been convicted of any alcohol-related driving offense in the ten years prior to the date of the application for expungement, and has no other alcohol-related enforcement contacts as defined in section 302.525, RSMo, during that ten-year period, the court shall enter an order of expungement. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement pursuant to this section. Nothing contained in this section shall prevent the director from maintaining such records as to ensure that an individual receives only one expungement pursuant to this section for the purpose of informing the proper authorities of the contents of any record maintained pursuant to this section.

2. The provisions of this section shall not apply to any

individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state.

Section 1. 1. Notwithstanding any provisions of section 302.272, RSMo, any individual who operates a school bus as that term is defined in 49 CFR Part 383, section 383.5, shall meet the requirements for and be issued a school bus endorsement as required by the secretary pursuant to 49 CFR, part 383, section 383.123.

2. The director is authorized to promulgate any rules and regulations necessary to carry out the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. Notwithstanding any other provision of law, no federal, state, county, municipal, or local court shall defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses a commercial driver's license or is required to possess a commercial driver's license issued pursuant to chapter 302, RSMo, or the laws of another state, to enter into a diversion program that would prevent a conviction for any violation, in any type of motor vehicle, of a federal, state, county, municipal, or local traffic control law from appearing on the driver's record maintained by the director of revenue.

Section 3. The director of revenue shall adopt the materials incorporated by reference and record keeping requirements as prescribed in 49 CFR Part 384, or as amended by the secretary.

Section B. The repeal and reenactment of sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, and the enactment of sections 302.727, 1, 2, and 3 of section A of this act shall become effective September 30, 2005.